

# CENTRAL INFORMATION COMMISSION

Room No. 305, 3<sup>rd</sup> Floor, CIC Bhavan, Baba Gangnath Marg, Munirka,  
New Delhi-110067, website:cic.gov.in

Appeal No.:-CIC/UIICL/A/2017/186381-BJ

Appellant : Mr. Vasant Ramadas Pai,  
Respondent : CPIO & Manager,  
United India Insurance Co. Ltd, Mumbai,  
Mumbai  
Date of Hearing : 25.01.2018  
Date of Decision : 25.01.2018

Date of filing of RTI application	15.02.2016
CPIO's response	Nil
Date of filing the First Appeal	19.04.2016
First Appellate Authority's response	25.07.2016
Date of diarised receipt of Appeal by the Commission	18.11.2016

## ORDER

### **FACTS:**

The Appellant vide his RTI application sought information regarding doctor's name, his professional qualification and detailed process note with registration number, etc.

The CPIO and Manager vide its letter dated Nil denied the information regarding name of doctor and their professional qualification with registration number under Section 8 (j) of the RTI Act 2005. As regards point no. 04, it was stated that the claim was processed and rejected as per the terms and conditions of the policy. Dissatisfied by the reply of the CPIO, the Appellant approached the FAA. The FAA vide its order dated 25.07.2016 concurred with the reply of the CPIO.

### **HEARING:**

#### **Facts emerging during the hearing:**

The following were present:

**Appellant:** Mr. Vasant Ramadas Pai through VC;

**Respondent:** Ms. Kalpana Kamath, CPIO through VC;

The Appellant reiterated the contents of his RTI application and stated that no satisfactory response was provided to him. It was explained that the information sought related to the basic details (name and qualification) of the doctor who had rejected his open heart surgery expenses at TPA (M/s Vidal Health Pvt. Ltd.) and Panel Doctor at Grievance Authority at UIIC Mumbai, RO, which related to the official duties performed by them. Thus the CPIO/ FAA erred while claiming exemption u/s 8 (1) (j) of the RTI Act,

2005. It was further stated that the FAA decided the appeal in violation of the principles of natural justice and without application of mind. The Appellant also submitted that during the course of hearing before the Insurance Ombudsman Office, Pune, it was represented by Dr. Vilas Moitra who was a Veterinary Doctor. The Appellant apprehended that his CABG claim was rejected by the above mentioned Veterinary Doctor. In its reply, the Respondent submitted that the issue pertained to redressal of his grievance pertaining to settlement of an Insurance Claim which did not require disclosure of qualifications of doctors. The Respondent admitted that the Dr. Moitra being the only available doctor represented the TPA before the Insurance Ombudsman but denied that Appellant's claim was settled by him. It was further conveyed that the Insurance Ombudsman and their Grievance Department had rejected the claim of Appellant and a Consumer Dispute was also pending adjudication before the District Consumer Forum, Mumbai. The Commission was also in receipt of a written submission from the Respondent dated 17.01.2018 wherein it was stated that the mediclaim of the Complainant was repudiated by the UIICO subsequent to which he approached the Grievance Cell, RO of UIICO which upheld the decision of the Claim Processing Office. Thereafter he proceeded to file before the Ombudsman, Pune for payment of his mediclaim. The Ombudsman also upheld the Company's decision and dismissed the case. Subsequently, Mr. Pai filed the instant RTI application and information was refused under Section 8 (j) of the RTI Act, 2005. The Complainant then proceeded to apply to Grievance Dept. again off line as well as online. The Grievance Dept. upheld the reply on the ground that personal information of the Doctors was not in any way connected to his claim. Subsequently, Mr. Pai also approached the FAA which upheld the reply of the CPIO. Mr. Pai then filed a case before the Consumer Forum, Pune which was still pending and that he had now approached all the avenues of filing complaints i.e., Grievance, Ombudsman, RTI and Consumer. Explaining the reasons for the delay in reply to his Appeal, it was stated that when the CPIO replied to the application, the FAA was Mr. Siva Prasad Petla (DGM) who was transferred to Head Office Chennai before the Appeal could be put up to him. This was informed telephonically to Mr. Pai by the CPIO and followed by e-mail requesting for time to hear the Appeal as the handing over charge of the region to the incoming DGM had not taken place. Once the incoming DGM, Mr. M. P. Jairam took over the charge, the Appeal was put up, heard and disposed off. Thus it was stated that the delay was not caused deliberately or carelessly but due to genuine administrative reasons for which permission was taken from the Complainant.

The Commission at the outset, observed that vide his Second Appeal, the Appellant has raised several pertinent issues relating to empanelment of doctors and processing of claims which require significant deliberation at the level of the Public Authority. In a consumer oriented industry, it is pivotal on the part of the service provider to satisfy the consumer that utmost care and diligence is taken while fulfilling their obligations. It is felt that suo motu disclosure of details regarding procedure/ guideline for

empanelment of doctors was of enormous significance and in larger public interest. On being queried by the Commission, whether any such guidelines/ procedure adopted by the Public Authority for selection and empanelment of doctors was uploaded on their website or not, the Respondent replied in the negative. However, it was conveyed that a list of Empanelled Doctors was maintained by them but feigned ignorance at the process of their empanelment. It shrugged off its responsibility in this regard by submitting that the onus of selection of doctors etc. rested on the TPA.

Hearing both the parties and on perusal of the record, the Commission observed that a voluntary disclosure of all information that ought to be displayed in the public domain should be the rule and members of public who *having to seek* information should be an exception. An open government, which is the cherished objective of the RTI Act, can be realised only if all public offices comply with proactive disclosure norms. Section 4(2) of the RTI Act mandates every public authority to provide as much information *suo-motu* to the public at regular intervals through various means of communications, including the Internet, so that the public need not resort to the use of RTI Act.

A reference was made to the Hon'ble Delhi High Court ruling in WP (C) 12714/2009 Delhi Development Authority v. Central Information Commission and Another (delivered on: 21.05.2010), wherein it was held as under:

*“16.It also provides that the information should be easily accessible and to the extent possible should be in electronic format with the Central Public Information Officer or the State Public Information Officer, as the case may be. The word disseminate has also been defined in the explanation to mean - making the information known or communicating the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet, etc. It is, therefore, clear from a plain reading of Section 4 of the RTI Act that the information, which a public authority is obliged to publish under the said section should be made available to the public and specifically through the internet. There is no denying that the petitioner is duty bound by virtue of the provisions of Section 4 of the RTI Act to publish the information indicated in Section 4(1)(b) and 4(1)(c) on its website so that the public have minimum resort to the use of the RTI Act to obtain the information.”*

Furthermore, High Court of Delhi in the decision of General Manager Finance Air India Ltd & Anr v. Virender Singh, LPA No. 205/2012, decided On: 16.07.2012 had held as under:

*“8. The RTI Act, as per its preamble was enacted to enable the citizens to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority. An informed citizenry and transparency of*

*information have been spelled out as vital to democracy and to contain corruption and to hold Governments and their instrumentalities accountable to the governed. The said legislation is undoubtedly one of the most significant enactments of independent India and a landmark in governance. The spirit of the legislation is further evident from various provisions thereof which require public authorities to:*

*A. Publish inter alia:*

*i) the procedure followed in the decision making process;*

*ii) the norms for the discharge of its functions;*

*iii) rules, regulations, instructions manuals and records used by its employees in discharging of its functions;*

*iv) the manner and execution of subsidy programmes including the amounts allocated and the details of beneficiaries of such programmes;*

*v) the particulars of recipients of concessions, permits or authorizations granted. [see Section 4(1) (b), (iii), (iv), (v); (xii) & (xiii)].*

*B. Suo moto provide to the public at regular intervals as much information as possible [see Section 4(2)].”*

As observed by the Hon’ble Supreme Court of India in the decision of *R.B.I. and Ors. V. Jayantilal N. Mistry and Ors*, Transferred Case (Civil) No. 91 of 2015 (Arising out of Transfer Petition (Civil) No. 707 of 2012 decided on 16.12.2015

*“The ideal of ‘Government by the people’ makes it necessary that people have access to information on matters of public concern. The free flow of information about affairs of Government paves way for debate in public policy and fosters accountability in Government. It creates a condition for ‘open governance’ which is a foundation of democracy.”*

The Commission further observed that it was imperative on the part of a prestigious Public Authority such as United India Insurance Co. Ltd., to ensure that the customer satisfaction was kept at the forefront and delivery of services was prioritised as their primary objective. In a consumer oriented industry, the Customer is the King and all efforts were required to be made to ensure that the service related systems and processes were optimised to ensure that there existed no deficiency in the delivery of services. The Public Authority should revisit its suo motu disclosure policy to check if those procedures were in consonance with the welfare of the public at large.

#### **DECISION:**

Keeping in view the facts of the case and submissions made by both the parties, the Commission observed that in a service oriented company like

the United India Insurance Co. Ltd., it was noted with concern the manner in which such public spirited matters was undertaken and would thus suggest its management to initiate adequate remedial measures to reorient its thinking, strategy and delivery in the larger public interest. It was felt that there is an urgent need therefore, to adopt a more efficient and robust *suo motu* disclosure policy within the Public Authority to ensure that available information is provided to the public at large in public domain under Section 4 of the RTI Act, 2005 without resorting to the tool of RTI application, expeditiously. Therefore, in the Larger Public Interest, the Respondent Public Authority is advised to *suo-motu* disclose the policy/procedure and the guidelines adopted by it for the selection and empanelment of doctors within a period of 30 days from the date of receipt of this order for ease and convenience of the public at large.

The Appeal stands disposed with above direction.

**(Bimal Julka)**  
**Information Commissioner**

Authenticated True Copy:

(K.L.Das)  
Deputy Registrar

**Copy to:**

1. The CMD, United India Insurance Company Ltd., United India Insurance Co. Ltd. 24, Whites Road, Chennai - 600014